

**Sunset City Corporation
City Council Minutes
January 7, 2014
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Minutes of work and regular meetings held January 7, 2014 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

5:30 PM WORK SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Chris Hadley	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Breen Lowman	Fire Chief
Norm Noyes	Public Works Director
Christina Arbogast	Court Clerk
Felshaw King	City Attorney

Others Present:

Scott Stevenson	Planning Chair
Jonathan Ellsworth	Planning Commission
Terry Avondet	Citizens Corp
Timothy Nimtze	TnT Copper
Neil Coker	Ray Chapman
Ricky Carlson	Kay Knowlton

The meeting was called to order at 5:30 p.m. by Mayor Macfarlane.

- 1. Discuss City Mission Statement, Vision Statement in General Plan, Council Code of Conduct, Council Member assignments, appointed positions and protocol:** Mayor Macfarlane explained she wanted this work session so they could all be on the same page and had everyone introduce themselves for the new Council Members. She commended the Planning Commission for their hard work on the General Plan. She used a Power Point Presentation during the discussion. The first item was to develop a mission statement and they took a few minutes to decide on, "Our mission is to govern in a manner enhancing our community's worth for our residents, businesses and future generations." Mayor Macfarlane stated it is important before making any decisions to ask themselves if it goes along with their mission statement and vision.

Mayor Macfarlane next went over her expectations of their values and conduct. They will maintain trust, communication, respect and recognition of each other and other people. They will provide quality, efficient, friendly and timely service. They will have integrity with

character, fairness and openness. They will commit to initiative, dedication, involvement and perseverance. They will maintain professionalism in planning, decisions and follow-through. She said the Council Members will be assigned to oversee certain functions of the City and she wants them to understand the Department Heads were hired to be in charge of their Departments. The Council Members' role will be oversight and to allow the Department Heads use their expertise in making sound decisions. Council Member Furniss commented that his directness is a fault and can be a talent. He used the example of when City Attorney attended a meeting and Council Member Furniss was very direct with him because he had strong opinions and he is still being accused of overstepping his bounds. He feels the directness he's had has been related to targeting someone or being disgruntled, but that is not it. He just wanted to ask some tough questions. He does not believe it is wrong to ask the tough questions and believes healthy debate is good. Mayor Macfarlane said she would rather have someone be upfront and ask their questions. What she does not like is people going behind each others' backs trying to figure out what something is about. To keep things open, a suggestion has been made to provide some information when asking for an item to be placed on the agenda. When just a topic is submitted it is left wide open for the other Members of the Council to assume the direction of the discussion and waste their time researching what they think it is, when the item may be going in another direction. Mayor Macfarlane highlighted the expectation of a professional environment free of harassment or intimidation of any kind. She advised them to please help each other in a manner that no one feels they are being harassed or intimidated in any way. She would like everyone to work hard, play hard and come to Council meetings with the attitude that they're ready to work for their community. She does not want them to come loaded with frustration, animosity and those types of feelings. She let the Council Members know that she tries to talk to each of them about issues. She will try to say the same things to every one of them so they all have the information to make sound decisions for the community. However, there may be times she leaves out a portion to one, but believes she has said it to all of them. The community is watching them right now, so she really needs them to be cohesive and can be looked at as a team.

Mayor Macfarlane discussed the Council Assignments with them. She will be over administration, police, court, be the MIDA Board representative and sit on the Wasatch Integrated Board, which is a paid position at \$2,000 per year. Council Member Furniss will be over the Youth City Council, property management, transportation and sit on the North Davis Sewer District Board, which is a paid position at \$4,000 per year. Council Member Peterson will be over public works, be the liaison for the Planning Commission and sit on the Mosquito Abatement District Board, which is a paid position at around \$50 per meeting. Council Member Furniss said when Mayor Macfarlane was talking to him about the assignments he stated his preference for the Mosquito Abatement Board and this assignment is not in line with that. Mayor Macfarlane said she made an adjustment, gave that Council Member something else he wanted and believes they are okay with it. Council Member Snow will be over housing, beautification, the better landlord program, donations and sit on the Development Review Committee (DRC) of the MIDA Board. She has asked him to step it up on beautification because the citizens want to see more beautification of the City and the DRC is a very important assignment, so he will have a heavy work load this year. Council

Member Snow expressed his disappointment in not receiving the Mosquito Abatement assignment. Mayor Macfarlane said she would really appreciate him keeping the assignments she wants him to have for right now. Council Member Hadley will be over Fire, Emergency Preparedness and CERT. Council Member Peay will be over economic development, the senior program and recreation. Mayor Macfarlane briefly outlined the Planning Commission appointments and asked Chair Stevenson if he could serve a second year as Chair. Chair Stevenson said he could. Treasurer/Office Manager Youngdell explained the Planning Commission will discuss who has the time and who wants the roles of Chair and Alternate Chair among themselves then recommend to the City Council their finding. Council Member Furniss brought up the subject of Mayor Pro-Tem and would like to nominate Council Member Snow because being self employed he would be available. Recorder Hale said the Council can take action in a work session, but the Mayor Pro-Tem item is not on the agenda so they cannot vote on it tonight. Council Member Furniss said they've always had it as part of the assignments and when Recorder Hale disagreed saying it is not an assignment, but a nomination from the Council, Council Member Furniss looked it up in past minutes and found Recorder Hale to be correct. The nomination for Mayor Pro-Tem and the appointment of the Planning Chair and Alternate Chair will be on the next agenda.

Mayor Macfarlane reported King & King will continue to be the legal counsel for the City at this time and she has asked them to be a little more proactive. She will reappoint Ken Eborn as Police Chief, Breen Lowman as Fire Chief, Norm Noyes as Public Works Director, Linda Youngdell as Treasurer/Office Manager and Susan Hale as Recorder. She went over the previous minutes appointing Chief Lowman and sees there were applications taken and the appointment was approved by the Council. She has visited the Fire Station and the fire fighters have given him high recommendations. She saw there was an application turned in today and it was the same one as was turned in previously when the appointment was made so it has been reviewed. Council Member Furniss still does not believe the appointment of Chief Lowman was done correctly so he will not support the appointment. Mayor Macfarlane feels Chief Lowman is worthy of the appointment and the staff is behind him. She would like to appoint Chad Bangerter as the Sunset Representative on the Military Affairs Committee because he has good contacts on HAFB and will keep the Council aware. Council Member Furniss said he will not support that assignment. Mayor Macfarlane understood his stance and continued that Mr. Bangerter is well liked up there and it takes a long time to develop that kind of rapport.

Mayor Macfarlane went on to protocol. She would like everyone to follow chain of command and not infringe on another Council Member's assignment. As an example, if a Council Member is not over the Fire Department, she does not want that Council Member to bypass the Council Member who is over it; go to the Council Member. She wants that chain of command to be followed with legal, employees and each other's assignments. In Council meetings, if she feels things are getting too overheated or undermining she wants to recess the meeting and she hopes the Council Members will abide by that so they can calm down. Council Member Peterson worried that good thoughts might get forgotten during the recess. She doesn't expect the situation to happen, but wants them to know where she is coming

from if it does. She does not mind a heated debate, but if it gets attacking that is when she wants to calm things down. When protocol does not happen it causes low moral, breaks in communication and the staff feels like they're in the middle. It also creates a lack of oversight by the Council Member because that Council Member feels like another is doing it. Some of the assignments are going to overlap and input will be needed from another Council Member. Also, if one Council Member hears something from a resident or has an idea about something he/she is not over, by all means talk to the Council Member over the department. If they have anything they need from the Office Staff or the Attorneys, they are to go to the Mayor and she will get the information needed for them. If one Council Member does not feel another Council Member is fulfilling their assignment they need to talk to Mayor Macfarlane. She feels they are off to a good start and is excited by their support.

Council Member Peterson said the Planning Commission would like to meet with the Council soon so they can learn the direction they want the Commissioners to work toward with the General Plan.

Council Member Furniss made a motion to adjourn the work session. Council Member Peterson seconded the motion. The motion passed unanimously.

REGULAR SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Chris Hadley	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Breen Lowman	Fire Chief
Norm Noyes	Public Works Director
Travis Carter	Asst. Fire Chief

Others Present:

Timothy Nimt	TnT Copper
Scott Stevenson	Planning Chair
Jonathan Ellsworth	Planning Commission
Terry Avondet	Citizens Corp
Neil Coker	Ray Chapman
Ricky Carlson	Kay Knowlton
Chad Bangerter	Lorilee & Sherm Beazer

The meeting was called to order at 6:30 p.m. by Mayor Macfarlane.

Mayor Macfarlane gave the invocation and led the Pledge of Allegiance.

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of December 17, 2013 as presented. Council Member Snow seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Snow made a motion to approve the voucher for Better City in the amount of \$5,474.50. Council Member Peterson seconded the motion. The motion passed unanimously.

Public Comments: Neil Coker welcomed the new Mayor and Council Members. He said there has been a lot of discussion about the skate park. He has been a resident of the City for over 42 years and is in favor of keeping it. He raised six children here and they participated in several City sponsored activities, but they are no longer available. Those programs need to be reviewed to see if they can be brought back so the kids have something positive to do.

- 1. Consider approval of conditional use request to locate TnT Copper Fabrication at 2117 N. Main:** Planning Chair Stevenson introduced the owner, Timothy Nimt, who appeared before the Planning Commission last week to request a conditional use license for his business. He will be fabricating copper items. The Planning Commission recommends approval of the business with the condition that undue noise ceases at 10:00 p.m. as per the Sunset City Noise Ordinance.

Council Member Hadley asked why this business had to go before the Planning Commission. Chair Stevenson explained this type of business is a conditional use in a commercial zone.

Council Member Hadley made a motion to approve the business with the condition set forth by the Planning Commission. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

Recorder Hale reminded Mr. Nimt to come into the office to apply for his business license.

- 2. Consider approval of 2014 Council meeting dates:** The Council was presented with the Council dates for 2014. Council Member Peay noted the next meeting in January was dated the 14th and it should be the 21st. They discussed the November 4th meeting because it is Election Day. Even though there is no municipal election this year, it was decided to hold the meeting on the following Wednesday, November 5th.

Council Member Snow made a motion to approve the 2014 meeting dates with the changes of January 14 to 21 and December 4 to 5. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

- 3. Consider approval of Council Member assignments:** Mayor Macfarlane read the list of assignments she would like to appoint. Mayor Macfarlane will be over Administration, Police and Court and sit on the Wasatch Integrated District. Council Member Furniss will be over the Youth City Council, Property Management, Transportation and sit on the North Davis Sewer District Board. Council Member Peterson will be over Public Works, be the Planning Commission Liaison and sit on the Mosquito Abatement – Davis Board. Council Member Snow will be over Beautification, Housing, Better Landlord Program and donations and sit on the Development Review Committee of the MIDA Board. Council Member Hadley will be over the Fire Department, Emergency Preparedness and Citizens Corp. Council Member Peay will be over Economic Development, the Senior Program and Recreation.

Council Member Snow said he is concerned with the Board appointments. He made a motion to approve all the Council assignments except the Wasatch Integrated and Mosquito Abatement Boards at this time. Council Member Hadley questioned the Mosquito Abatement Board appointment. Council Member Furniss said he would be okay with Mayor Macfarlane being on Wasatch Integrated, but does not want her selection for Mosquito Abatement so he would approve every appointment except Mosquito Abatement. Council Member Furniss seconded the motion.

Council Member Peterson made a motion to approve the assignments as Mayor Macfarlane has made them. The motion died for lack of a second.

Council Member Furniss said he seconded Council Member Snow's motion, then made an amended motion to approve all appointments made by Mayor Macfarlane with the exception of Wasatch Integrated and Mosquito Abatement Boards. Council Member Snow seconded the motion. Mayor Macfarlane said Mosquito Abatement has some things going on that requires a Board Member before the next Sunset Council meeting. Council Member Furniss said she visited with each Council Member about the assignments in which they shared their feelings about them. She has chosen to ignore those feelings, which is her right, but she does not have the right to get consent if it is not what the Council also wants. Mayor Macfarlane said when she visited with each Council Member, everyone except for two agreed the assignments were okay. It is not until tonight that she now has a third person say they disagree with her.

Mayor Macfarlane asked Recorder Hale what they do now. Recorder Hale believed she should call for a vote on the first motion. The motion was restated for clarification to approve all the Council assignments except the Wasatch Integrated and Mosquito Abatement Boards. The motion passed 4 to 1. Council Members Furniss, Snow, Hadley and Peay voted yes. Council Member Peterson voted no.

When questioned about Council Member Furniss' motion, he said he would recommend and agree with Mayor Macfarlane appointing herself to Wasatch Integrated and Council Member Snow to Mosquito Abatement. Mayor Macfarlane said she does not want to change the Mosquito Abatement appointment. She wants Council Member Peterson on that Board. She

talked at length with Council Member Snow about what she is assigning him to will take a lot of time and she wants to keep Council Member Peterson assigned to Mosquito Abatement. Council Member Snow believes since Council Member Peterson was rejected by the Council, she needs to choose someone else; she can't choose him again. Council Member Furniss said she can change her appointment to someone else or end the discussion tonight and leave the Board appointments unassigned until she decides upon another person. He believes the Council Members want to have Mayor Macfarlane on the Wasatch Integrated Board, but believe she has chosen wrongly for the Mosquito Abatement Board. Mayor Macfarlane asked if she can have a motion to appoint her to the Wasatch Integrated Board and table the Mosquito Abatement appointment. Council Member Furniss said he would be okay with that. Council Member Snow does not believe that is a good compromise because that would be giving her what she wants. Council Member Furniss believes Mayor Macfarlane talked with each one of them and has disregarded what the majority of the Council Members said. Advice and consent from the Council is state law, so she can choose to not appoint who the Council wants or to appoint who she wants. Mayor Macfarlane clarified she did go to each of their houses and the only ones who objected to the Mosquito Abatement appointment was Council Members Furniss and Snow. The other three agreed and did not voice any opposition to the appointments. Tonight is the first she heard of any other disagreement.

Council Member Peterson made a motion to table the Board assignments. Council Member Snow believes they are already done unless Mayor Macfarlane wants to change the Board assignments. Council Member Snow seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

- 4. Consider approval of Appointed Officials:** Mayor Macfarlane would like to reappoint Treasurer/Office Manager Linda Youngdell, Recorder Susan Hale, Police Chief Ken Eborn, Fire Chief Breen Lowman and Public Works Director Norman Noyes. These appointments were discussed during the work session and she believes everyone was in agreement with them. She asked for a motion.

Council Member Peterson made a motion to appoint the Officials as noted above. Council Member Peay seconded the motion. Council Member Furniss said they talked about this before and he believes the way Chief Lowman was chosen was shoddy and not fair. It was a hand picked person appointed by the previous Mayor with no formal interview process. He will not agree to his appointment. Council Member Snow agreed with Council Member Furniss saying he also does not think it was done right, but he does not think it would change the outcome. He is not opposed to doing it right either. Mayor Macfarlane said there were applications taken and she read the minutes where the Council approved the appointment. She believes it was a sound decision and Chief Lowman is doing a good job. The morale is good in the Fire Department and the fire fighters like him. Council Member Furniss believes there was only one applicant and he didn't get an interview. Also, the Fire Department has lost four of their most senior fire fighters and one is soon to leave. Mayor Macfarlane stated the Fire Department has a high turn over because they are well trained and obtain jobs on other full-time Fire Departments. Council Member Snow agrees Chief Lowman is doing an

excellent job, morale is up and things are going good. He also believes Council Member Furniss has a valid point and suggested they table this tonight so Mayor Macfarlane can review the applicants and maybe talk with them. He believes Chief Lowman will still be the one chosen, but maybe this will put Council Member Furniss' mind at ease. Mayor Macfarlane said she reviewed all of the applicants today and with her not knowing any of them she was able to take the applications at face value and go by their qualifications. She will still pick Chief Lowman. Recorder Hale clarified the motion was made to approve the all appointments and it was seconded. Mayor Macfarlane called for a vote. The motion passed with a 3 to 2 vote. Council Members Peay, Peterson and Hadley voted yes. Council Members Furniss and Snow voted no.

5. **Consider approval of the purchase of a new ambulance:** Mayor Macfarlane clarified the Council had already approved a new ambulance during their budget sessions. Chief Lowman said there was some miscommunication in that he is not asking for approval for the ambulance. What this item was intended for was to ask that they be able to hold an open house to educate the citizens on why a second ambulance is important. The Department believes it is important to have the citizens behind them in the positive direction they are going. Council Member Peterson said he is concerned about what Council Member Furniss said about some of the senior fire fighters leaving and still being able to man the ambulance efficiently. He does like the idea of holding the open house to educate people. When told who the fire fighters were by Council Member Furniss, Chief Lowman explained Jeremy Kaufman accepted a job in Heber City and that is quite a commute for him so he no longer has the time to work for Sunset; James Weston chose to leave the Department before Chief Lowman even came to the Department; he is not familiar with the name Jensen so it is possible that person was before his time here; Amy Kippen left the Department because she felt fire fighting was not the right thing for an expectant mother to do; and Anthony Bott is not only a full-time fire fighter with another Department, but now has also accepted a paid part-time position with the Weber County Fire Department. Mayor Macfarlane said since the Council had already approved the second ambulance, she asked Chief Lowman to meet with the community because a lot of residents were not in favor of a second ambulance. She wants him to listen to their comments and/or concerns and explain to them what they will get out of the second ambulance as a community. Chief Lowman would like to hold the open house soon within 30 days and he plans to get the word out via utility bills and on the marquees.
6. **Council Member reports and general information:** Council Member Peay thanked everyone who has helped to show her the ropes. She is excited to learn everything and asked everyone to be patient with her while she learns. She has met with Joe Maylin, who is over the Recreation Department and they tossed around some ideas. There are a lot of children in Sunset and they do need things to be involved in. They talked about things they don't want to change and things they want to improve on. She attended a day-long training where she learned a lot about the new Envision Utah software and the importance of looking to the future regarding business development, etc. She will attend the Newly Elected Officials training this weekend and is excited to learn what they have to teach. She explained Ground Hog Day is also Super Bowl Sunday, so they are thinking about holding the Sunset Winter

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Fest on Friday, February 7th so it would not compete with that. Public Works Director Noyes said they want to retain the Sunset Sam name, but discussed not keeping it associated with Ground Hog Day and calling it Sunset Sam Winter Fest.

Council Member Hadley said, in trying to prepare for the assignments given to him, he visited the Fire Department a few times. The building is looking good with the improvements made and in talking with the fire fighters the morale is good and things are moving in the right direction. He met with Chief Lowman and is happy with what he is doing. He is excited to work with CERT and Emergency Preparedness. He will be attending the upcoming Citizens Corp meetings. Hopefully, they can get it fully functional again. He feels there are some details he may not be aware of, but he voted for appointing Chief Lowman tonight with the information he was able to obtain and how things are going with him now, which is good. He is also excited to attend the Utah League of Cities and Towns Newly Elected Officials training and to be on the Council.

Council Member Snow stated it is good to have Council Member Peay, Council Member Hadley and Mayor Macfarlane on the Council. The Utah League of Cities and Towns Powers and Duties Handbook is available in pdf form and wondered if someone could place it in Dropbox for them. Recorder Hale clarified the newly Elected Officials who attend the training will receive the new books. Council Member Snow said he looks forward to his new assignments.

Council Member Peterson welcomed the newly Elected Officials. He thanked the residents and employees. He hopes they can all work together.

Council Member Furniss also welcomed the newly Elected Officials and said he and Mayor Macfarlane has had a friendship for years and believes it will continue. He thanked the City for the flowers sent for his mother's passing; it meant a lot to him. He asked to be excused saying he has somewhere else he has to be.

Police Chief Eborn asked if the vote on the Appointed Officials could be clarified. There were two votes against the appointments and all the Officials were in the same motion. He hopes if he was included in those two no votes he would be told why or what he can do to improve. He would like the record to be clear if he was not one of the ones voted against. Public Works Director Noyes has the same concern. Mayor Macfarlane said she was advised to have them voted on together.

Treasurer/Office Manager Youngdell thanked those who did reappoint her. She stated Chief Lowman has done a wonderful job for the Fire Department; he has been a good asset, works really hard and she believes his appointment was a good choice.

Fire Chief Lowman said he extremely grateful for the support from the Fire Department, past administration and current administration. If this Fire Department was not worth leading, he would not be here. This Fire Department is excellent and the fire fighters do it freely, putting their lives at risk to do so. He will fight every single day to lead them in a positive direction

and he is grateful for the opportunity. If they were not worth fighting for, this fight would not be happening. In September they conducted interviews and went through a five-step process to start a Captains list for opportunities to promote two Captains at the time and for in the future. Now that there is a Captain opening again he would like to use that list and promote the next person on the list. He believes he is not required to bring that promotion before the Council, but at the same time he wants to make sure the Council feels involved. The Council Members have an active voice through the Council Member over the Fire Department to be a part of all the positive things they are doing. He introduced the new Captain, Thomas Caygle saying he has been with the Department for a very long time and will bring his experience and maturity to that leadership position.

Mayor Macfarlane said she is a little disappointed in that she spent hours and hours going to each Council Members' home to discuss the assignments with them and to see if they had any concerns with any of them. Up until tonight she felt she had a clear direction in which they were going. She knows everyone has the prerogative to change their mind, but it would be helpful to get the information up front so they can move forward instead of tabling items. She knew about the two who were opposing an assignment, but she had the consent from all the rest until tonight. She appreciated their input and willingness to accept the assignments given to them.

Council Member Snow made a motion to adjourn. Council Member Peterson seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:35 p.m.

Approved – February 4, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder